

REMARKS

Claims 2 and 4-8 are pending in the application. It is gratefully acknowledged that Claim 4 has been allowed. It is also gratefully acknowledged that Claims 7 and 8 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 2 is rejected under 35 U.S.C 103(a) as being unpatentable over Shirakata et al. (U.S. Patent 6,618,352) in view of Seki et al. (U.S. Patent 5,694,389). Claim 5 is rejected under 35 U.S.C 103(a) as being unpatentable over Shirakata et al. in view of Kumagai et al. (U.S. Patent 7,058,002). Claim 6 is rejected under 35 U.S.C 103(a) as being unpatentable over Shirakata et al. in view of Kumagai et al. and further in view of Huang et al. (U.S. Patent No. 6,058,101).

Initially, it is respectfully submitted that the priority date of the present application is July 5, 1999. Since the earliest date that Kumagai et al. can rely on is April 21, 2000, Kumagai et al. is disqualified as prior art. By removing Kumagai et al. as prior art, the rejections of Claim 5 and 6 are rendered moot.

Further, it is also respectfully submitted that Shirakata et al. has a filing date of May 25, 1999. The priority date of the present application is July 5, 1999. Submitted herewith is a Declaration under 37 C.F.R. §1.131 swearing behind Shirakata et al. In support thereof is an invention disclosure and a certified English language translation thereof, as well as a certified English language translation of the priority document KPA 1999-26862.

Based on at least the forgoing, withdrawal of the rejection of Claims 2, 5 and 6 is respectfully requested.

Independent Claims 2 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claim 6, this is likewise believed to be allowable

by virtue of its dependence on its respective independent claim. Accordingly, reconsideration and withdrawal of the rejection of dependent Claim 6 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 2 and 4-8, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish at the end.

Michael J. Musella
Reg. No. 39,310
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr